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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,313	10/27/2001	Shahram Shariff	006593-01953	2119
33375	7590	08/10/2005		
THOMPSON HINE LLP 2000 COURTHOUSE PLAZA N.E. 10 WEST SECOND STREET DAYTON, OH 45402-1758			EXAMINER ASHLEY, BOYER DOLINGER	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,313

Applicant(s)

SHARIFF ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 16 and 18-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 16, 18-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This office action is in response to applicant's amendment filed 5/26/05, wherein claims 1, 7, and 23 were amended; claims 5, 11-15, and 17 were canceled; and claims 28-33 were added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 6, 23, 27-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Glaser, U.S. Patent 6,015,328, or Lay, U.S. Patent 3,145,406.

Meeker et al. discloses the invention substantially as claimed including: a gripping plate (90/112) having a front surface (shown with teeth in Figures 1-3) and a

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rear surface (shown opposite the front in Figures 1-3), such that the front surface is shaped to grip a food product (see Figures 1-3, the teeth 91 grip food products); said plate including an attachment portion (93/99/102/101) extending generally outwardly from the rear surface; a handle (95) having an opening shaped to releasably receive the attachment portion; and a feed arm (80) including a pair of feed arm openings (see Figures 4 and 5), a first one (see Figure 4) of said openings being shaped to be generally located between the handle and said gripping plate, a second one (see Figure 5) of said openings being capable of receiving a slide rod (77) of a slicer.

Meeker et al. lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion such that the handle is manually decoupled by twisting of the handle, wherein the attachment portion being releasably received in the handle in more than two radial positions and the handle has a generally continuous outer surface and lacks any auxiliary openings that communicate with the openings of the handle.

However, Glaser and Lay both disclose that it is old and well known in the art to use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents for the purpose of releasably connecting handles to cutting tools by twisting such that the handles are easily removable and replaceable (see, e.g., columns 1 and 3, lines 55-67 and 50-65, respectively). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the elongated attachment bar of Meeker et al. with elongated opposed

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legs with feet that engage corresponding feet detents, as taught by Glaser or Lay in order to provide a quick releasable handle connection.

The handle opening of both Glaser and Lay are capable of releasably receiving their attachment portions in more than two radial position and then twisted into there locked positions. The phrase "a handle having an ... in more than two radial positions" does not limit the claim to a handle and attachment portion to being capable of being locked two together in more than two positions only that the opening of the handle is capable of first receiving the attachment portion in more than two radial position. In this case, both Glaser and Lay disclose the use of circular handle openings which allow for the attachment portions to be insert in the opening at any radial position and then twisted into position.

The outer portion of the handles of Glaser and Lay are all generally continuous and lack any auxiliary openings that communicate with the opening of the handle, in that, there are no supplemental openings communicating with the opening. As to Lay, the two openings are used simultaneously not alternatively and when they are in use neither communicate with the opening of the handle. As to Glaser there are no auxiliary openings shown.

It should be noted that Glaser and Lay are considered analogous art references because they are reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention, that is, quick release handles.

As to claim 3, the modified device of Meeker et al. discloses the use of teeth extending generally forwardly from the front surface, see Figures 2, 4, and 6.

As to claims 6 and 27, the modified device of Meeker et al. discloses the use of a connection arm (80, see Figure 1 of Meeker et al.) coupled to and extending between both of the feed arm openings.

As to claim 31, the modified device of Meeker et al. as explained above includes the handle being initially coupled to the gripping plate at any radial position being it is locked in place.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al. in view of Glaser or Lay as applied to claim 1 above, and further in view of the Hobart Catalog of replacement parts, hereinafter Hobart, and Kondo et al., U.S. Patent 5,622,035, or Maughan, U.S. Patent 5,607,249.

The modified device of Meeker et al. discloses the invention substantially as claimed except for a wave washer located between the handle and the feed arm or between the feed arm and the gripping plate such that the handle is urged away from the plate and/or the feed arm.

The modified device of Meeker et al. does however teach the need for a spring for to urge the handle away from the connection site such that the opposed feet are frictionally engaged with the feet detents. The Hobart discloses that it is old and well known in the art to use washers between feed arms and handle for the purpose of facilitating the attachment between the handle and the feed arm. Kondo et al. and Maughan both discloses that it is old and well known in the art to use wave washers for

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the purpose of urging two attached elements away from each other such that the connection is facilitated. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a wave washer between the feed arm and the handle of the modified device of Meeker et al. in order to urge the feed arm and handle away from each other such that the opposed feet of attachment portion are frictionally engaged with the feet detents thereby facilitating the connection between the handle and the attachment portion.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Glaser or Lay as applied to claims 1 and 2 above, and further in view of the following.

The modified device of Meeker et al. discloses the invention substantially as claimed except for the specific teeth length between about 0.35 and about 0.40 inches and for the specific tip diameter between about 0.05 inches to about .15 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the teeth with a length between .35 and .4 inches as well as making the tip diameter between .05 inches and .15 inches for the purpose of facilitating gripping of a food product depending upon the type of food product being cut, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

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7. Claims 7-8, 17-19, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Glaser as applied to claim 1 above and further in view of the following.

The modified device of Meeker discloses the invention substantially as claimed including the attachment portion including a pair of spaced generally parallel legs (17) coupled to one of the feet (16), the opening of the handle includes a pair of opposed end openings (see Figure 3D) shaped to receive the feet.

As to claim 8, the modified device of Meeker et al. discloses the use of feet that extend generally outwardly from it's associated leg and includes a curved outer surface. In the alternative, even if it is argued that the modified device of Meeker et al. lacks the curved outer surface, at the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use feet with curved outer surfaces for the purpose facilitating the engagement of the feet with the openings in the handle because applicant has not disclosed that curved outer surface provides an advantage, is used for a particular purpose, or solves a stated problem. One ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either outer surface of the feet because both outer surfaces of the feet would perform the same function of allowing for engagement and disengagement of the feet with the handle openings. Therefore, it would have been an obvious matter of design choice to modify the modified device of Meeker et al. to obtain the invention as specified in claim 8.

As to claim 18, the handle is generally tube shaped.

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As to claims 19 and 26, the modified device of Meeker et al. discloses the use of cam surfaces (see 19/18 of Glaser) located and configured to interact with the feet wherein the feet are capable of being urged inwardly.

8. Claims 16-22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little, U.S. Patent Des.165,082 in view of Glaser or Lay.

Little both discloses the invention substantially as claimed including: a gripping plate (Figure II) having a front surface (shown with teeth in Figure IV) and a rear surface (shown opposite the front in Figure IV), such that the front surface is shaped to grip a food product; a handle (Figure IV); and a feed arm (see Figure IV) including a pair of feed arm openings (see Figure IV), a first one (see Figures II and IV) of said openings being shaped to be generally located between the handle and said gripping plate, a second one (see Figures II and IV) of said openings being capable of receiving a slide rod of a slicer.

Little lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion such that handle is capable of being decoupled by twisting. However, Glaser and Lay both disclose that it is old and well known in the art to use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents such that twisting will facilitate decoupling of the handle for the purpose of releasably connecting handles to cutting tools such that the handles are easily removable and. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the attachment

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mechanism of Little with elongated opposed legs with feet that engage corresponding feet detents in order to provide a quick releasable handle connection.

As to claims 20 and 30, the outer portion of the handles of Glaser and Lay are all generally continuous and lack any auxiliary openings that communicate with the opening of the handle, in that, there are no supplemental openings communicating with the opening. As to Lay, the two openings are used simultaneously not alternatively and when they are in use neither communicate with the opening of the handle. As to Glaser there are no auxiliary openings shown. The handle opening of both Glaser and Lay are capable of releasably receiving their attachment portions in more than two radial position and then twisted into there locked positions. The phrase "a handle having an ... in more than two radial positions" does not limit the claim to a handle and attachment portion to being capable of being locked two together in more than two positions only that the opening of the handle is capable of first receiving the attachment portion in more than two radial position. In this case, both Glaser and Lay disclose the use of circular handle openings which allow for the attachment portions to be insert in the opening at any radial position and then twisted into position.

As to claim 21, the modified device of little discloses the use of cam surfaces (see 19/18 of Glaser) located and configured to interact with the feet wherein the feet are capable of being urged inwardly.

Allowable Subject Matter

9. Claims 9-10 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 5/26/05 have been fully considered but they are not persuasive.

Applicant contends that the combination of Meeker et al. and Lay lack "the attachment portion can be received in the opening of the handle in more than two radial locations". However, the examiner respectfully disagrees for the reasons stated above in the rejection. As previously indicated the above phrase is not limited to attachment portion being locked to two position only the attachment portion can be received in the opening the handle at any radial position, which is the case with both Glaser and Lay. In this case, Glaser and Lay require further twisting to lock them in place. The current claims are not limited to multiple locked positions.

Applicant contends that Little lacks a feed arm opening. The examiner disagrees with the applicant, as it appears to the examiner that there is an opening as shown in the Figure IV. Moreover, even if it lack the openings as well known in the art to use the fastener/attachment arrangements of Glaser and Lay are still obvious as stated above.

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11. For the reasons above, the grounds of rejection are deemed proper.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

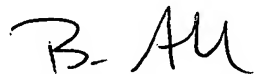
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
August 4, 2005